



11S.085A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Braig et al.  
Appl. No. : 10/826,004  
Filed : April 15, 2004  
For : SYSTEM AND METHOD FOR  
MANAGING A CHRONIC  
MEDICAL CONDITION  
Examiner : Mallari, Patricia C  
Group Art Unit : 3735

RESPONSE TO RESTRICTION REQUIREMENT

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement, **Applicants elect Group I, Species B (Claims 14-16)** for prosecution in the present application.

The present election is being made with traverse. Applicant submits that it is well established that:

If the search and examination of an entire application can be made without **serious burden**, the examiner **must** examine it on the merits, **even though it includes claims to independent or distinct inventions**.

M.P.E.P. § 803 (emphasis added).

The non-elected Group is directed to a system usable by a medical caregiver to manage or for managing a diabetic condition, and the elected Group is directed to a method of managing a diabetic condition or for communicating patient information to a caregiver for use in managing a diabetic condition. A proper search for art related to the elected Group would necessarily include the classes and subclasses relevant to a search for the non-elected Group. Thus, examination of all the claims would not present "a serious burden" on the Examiner.

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Applicants therefore respectfully request that the present restriction requirement be withdrawn.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 11, 2006

By: 

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